THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 17812 OF 2005

Dated 10th April, 2006

Between:

Sonkamble Vandana

… Petitioner

And

The Principal Secretary to Government

Education Department, Government of

Andhra Pradesh, Secretariat, Hyderabad

and others.

… Respondents.

ORDER:

This writ petition has been filed for a direction by way of mandamus to the respondents to declare the result of the petitioner in Hindi Pandit Training Examination held in the month of January, 2005.

The petitioner passed M.A. in Hindi and Bachelor of Physical Education. She was initially appointed as a lecturer on contract basis in Government Junior College in Thamsi, Adilabad District. She appeared for Language Pandit Common Entrance Test, 2003 with Hall Ticket No.7921 and secured a seat in Hindi Pandit Training

College Zaheerabad and joined the said college in March, 2004. On completion of the course, she was allowed to appear for the written examination. But, however, her results were withheld. It is the case of the petitioner that having allowed her to write the examination, her result should not have been withheld without any valid reason.

Counter-affidavit has been filed stating that the petitioner has put in only 73% of attendance in the said course whereas the required percentage of attendance is 80%. It is further stated that while prosecuting her studies she had also continued as contract lecturer in Government Junior College, Thamsi, Adilabad. Basically, the result of the petitioner was withheld on the ground that the petitioner did not put in the required percentage of attendance i.e. 80%.

Regulation 3(2) of the Regulations framed for Hindi Pandit Couse, which deals with attendance reads as follows:

"The trainees shall put in a minimum of 80% of attendance to be eligible for appearing at the final examination. A condition of shortage of attendance up to 5% may be allowed on approval by the concerned principal of the institution, and, another 5% by the Commissioner and Director of School Education, A.P., Hyderabad on medical grounds."

It is apparent from the above said regulation that the minimum percentage of attendance required for appearing at the final examination is 80% and when the petitioner had appeared for the written examinations, the said regulation was very much in operation and even then, the petitioner was issued with hall-ticket and was allowed to write the examination. But, after she wrote the examination, at this point of time, it is not open to the respondents to keep her result in abeyance on the ground that she did not put in the required attendance for appearing the examinations. The requirement of attendance has to be scrutinized before the issuance of hall ticket, but, not at this stage and having allowed the petitioner to write the examinations by issuance of hall-ticket, her result has to be announced and it is not open to the respondents to withhold the same on the ground that she did not put in the required percentage of attendance. Even the other ground that she continued to work as contract lecturer while prosecuting her Hindi Pandit Training Course is also not a ground for not announcing the result as the petitioner was permitted to write the examinations by issuance of the hall ticket. Even as per the counter affidavit, the

petitioner is stated to have attended for 136 days out of 186 working days and the percentage of attendance comes to 73% and before writing the examinations, attendance can be condoned to the extent of 10% on various grounds. In any event, having allowed the petitioner to write the examinations, there are no valid reasons for withholding her result now.

Having regard to the facts and circumstances of the case, I dispose of the writ petition directing the respondents to announce the result of the petitioner in respect of Hindi Pandit Training Course, for which examinations were conducted in January, 2005, within a period of three weeks from the date of the receipt of a copy of this order and issue the necessary certificates.

Subject to the above directions, the writ petition is disposed of. No costs.

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2006. **(R.SUBHASH REDDY, J.)**

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